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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/346,361	07/01/1999	ERLEND OLSON	41367-200030	2315
23363	7590	12/08/2003	EXAMINER	
CHRISTIE, PARKER & HALE, LLP 350 WEST COLORADO BOULEVARD SUITE 500 PASADENA, CA 91105			MOTTOLA, STEVEN J	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

346361

Applicant(s)

Olson et al.

Examiner

Mottola

Group Art Unit

2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on August 22, 2003.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 14-25, 28-39 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 14-25, 34-39 is/are allowed.
- ☒ Claim(s) 28, 33 is/are rejected.
- ☒ Claim(s) 29-32 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 33
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 28 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Tripathi et al., U.S. pat. No. 5,974,089.

Refer to fig. 3 of Tripathi et al. Treating independent method claim 28 first, Tripathi et al. disclose an adder 304 that sums an input signal with a feedback signal and may be read as performing the summing step of claim 28 and generating a summed output signal as in both claims. Then integrators 302,306 may be read as performing the noise shaping step of claim 28. Then comparator 310 receiving a sampling signal f_s which may be read as the predetermined sampling frequency claimed, together with pulse qualification logic circuit 318 which generates an output having a lower transistion rate than the sampling frequency by at least a factor of two

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(see col. 6, lines 35-45 of Tripathi et al.) may be read as performing the sampling step of claim 28. An unlabeled feedback loop including circuit 314 feeds back the sampled output signal to the adder 304, and the sampled output is provided as an output signal by power switch 312.

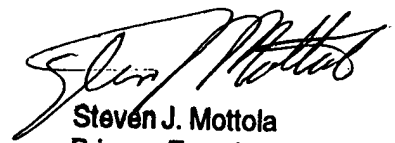
Regarding claim 33, as noted above the integrators 302,306 of Tripathi et al. are read on the noise shaping network.

Claims 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-2~~5~~ and 34-39 are allowed.

Note that while the elements of apparatus claim 14 are analogous to the steps of method claim 28 rejected above, in claim 14 the feedback loop is described as having a direct coupling between the sampling stage output signal and the summation circuit.

Any inquiry concerning this communication should be directed to Mr. Mottola at telephone number 308-4914.


Steven J. Mottola
Primary Examiner